

4 November 2022

Göran Marby, CEO
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

Re: RySG – RrSG Communication on DNS Abuse Disruption/Mitigation Obligations

Dear Göran:

The Registries and Registrar Stakeholder Groups (RySG and RrSG) are writing to inform ICANN Org and the ICANN community of our intention to pursue possible enhancements to the DNS Abuse¹ obligations contained in our respective agreements with ICANN. Specifically, we recognize that additional language may be necessary to require registrars and registries to disrupt or mitigate DNS Abuse. As you previously noted, [DNS Abuse is generally decreasing](#), which is certainly a positive long-term trend. This is thanks, in part, to many of the efforts that registries and registrars have developed to combat DNS Abuse. Still, while the majority of registries and registrars have robust and responsible anti-abuse programs in place, there has long been a question of how ICANN Contractual Compliance addresses actors that systematically fail to take action to adequately address DNS Abuse.

It is our view that certain focused and targeted amendments to Section 3.18 of the Registrar Accreditation Agreement (RAA) and sections of the Base Registry Agreement (RA) can be negotiated and executed expeditiously in order to establish a baseline obligation for Contracted Parties to take reasonable and appropriate action to mitigate or disrupt malicious registrations engaged in DNS Abuse. The new contractual provision(s) that result from those negotiations should contemplate that the DNS Abuse reported is properly evidenced and recognize that registrars and registries have different roles in the ecosystem. Further, we think it important to establish at the outset certain guideposts for the potential amendments:

- The focus of the new provisions will be on DNS Abuse as set forth in the existing ICANN contracts, and reinforced by the GNSO Small Team on DNS Abuse (the “DNS Abuse Small Team”);

¹ [DNS Abuse](#) is composed of five broad categories of harmful activity insofar as they intersect with the DNS: malware, botnets, phishing, pharming, and spam as a delivery mechanism for another form of DNS Abuse. This mirrors ICANN’s definition for [DNS security threats](#) as “five broad categories of harmful activity including: Botnets; Malware; Pharming; Phishing; Spam (as it is used to propagate other DNS security threats).”

- The amendments will not include matters pertaining to website content abuses nor access to registration data; and
- Any new provisions should appropriately reflect the roles and responsibilities of registrars and registries in each agreement, respectively, and will not seek to impose pass-through requirements on either group.

While the intent is to negotiate with ICANN appropriately distinct and tailored amendments to the RA and RAA, the RrSG and RySG plan to coordinate closely for purposes of complementing and supporting each other's efforts.

We believe this approach is consistent with the path laid out by the work of the DNS Abuse Small Team. In a [session at ICANN75](#), the DNS Abuse Small Team outlined several of the recommendations they were preparing to make to the Community, and one was directed at Contracted Parties and their contractual obligations on DNS Abuse. Specifically, one of the Co-Chairs of that group noted that the small team is "proposing that our friends from the CPH consider some minor amendments that would help us further [DNS Abuse] work," and that such changes would involve "very small targeted and specific changes." The approach laid out by the RySG and RrSG should similarly aid ICANN Contractual Compliance, which noted in a reply to the DNS Abuse Small Team that, while ICANN Contractual Compliance can require a "response" to an abuse report, "ICANN Org has no contractual authority to require registrars to impose consequences or take specific actions in these cases."²

The RySG and RrSG believe that pursuing targeted contractual amendments will enable the Contracted Parties and ICANN Org to move effectively and expeditiously to create requirements that will have a meaningful impact on DNS Abuse mitigation. At the same time, we recognize that more work may need to be done on the topic of DNS Abuse involving the larger ICANN community in the future and standby ready to participate in such work.

We note that this letter is not meant to formally initiate the contractual amendment process outlined in the RAA and RA. Rather, we look forward to continuing this discussion with ICANN Org and to potentially triggering contractual negotiations as outlined above upon hearing ICANN Org's response to this proposal. For the avoidance of doubt, any formal negotiation with respect to contractual amendments will be undertaken between ICANN Org and the contracted parties, per the respective agreements, and any such negotiation must be limited to the specific DNS obligations outlined above. We hope that by keeping the amendments targeted and specific (consistent with the DNS Abuse Small Team's recommendations), the RySG and RrSG negotiating teams and ICANN can reach agreement on amended language within six months of triggering our negotiations.

We further look forward to continuing our ongoing collaboration with ICANN Org and ICANN Contractual Compliance to address DNS Abuse on the Internet.

² ICANN Contractual Compliance Response to Questions from the GNSO Council DNS Abuse Small Team, May 2, 2022, [available here](#).

Sincerely,

Ashley Heineman
Chair, Registrar Stakeholder Group

Samantha Demetriou
Chair, Registries Stakeholder Group

cc: Tripti Sinha, ICANN Board Chair
ICANN Board DNS Abuse Caucus
SO/AC Leadership